

August 6, 2003

Federal Communications Commission

Proceeding # 02-278

Comments of the National Truck Equipment Association

Via Electronic Filing

The National Truck Equipment Association (NTEA) is very concerned with the Federal Communications Commission's recent rule concerning unsolicited facsimile transmissions and the elimination of the "established business relationship" exemption as they apply to tax-exempt organizations.

The NTEA represents approximately 1,500 businesses throughout the nation. Our members manufacture and distribute specialized, work-related trucks, truck bodies and equipment. Most of these companies are small, independently owned businesses working in a highly regulated industry. They depend on the NTEA to keep them informed. Similarly, many industry-related companies that are not NTEA members also look to the NTEA for timely and accurate information. This is the reason we exist and this is the reason Congress has established tax-exempt status for groups such as ours.

The new FCC rule will make our most important service, timely communication with the industry we serve, very difficult.

We request that the Commission issue clarification that unsolicited facsimile communications are not prohibited when issued by tax exempt nonprofit organizations in pursuit of their recognized and authorized tax exempt nonprofit purposes. It is vital that we can keep our members informed of the laws and regulations that affect their business. It is also vital that groups such as ours are able to inform industry-related companies of our activities and services. Without clarification from the FCC our service to the industry will be unnecessarily impeded.

The Internal Revenue Code treats tax exempt organizations differently from taxable. The IRS even provides for separate treatment of the commercial-type business activities of tax exempt nonprofit organizations. When such an organization conducts business activities on a regular basis and those activities are not substantially related to the purposes for which the organization was granted tax-exempt status that organization is subject to taxation. Thus the Commission should be comfortable in interpreting the

unsolicited facsimile rule as not applicable to tax exempt nonprofit organizations when they are pursuing their tax exempt nonprofit purposes.

Facsimile communications by the NTEA should not be limited by the new rule. They serve an enormously valuable and essential purpose for our members, a purpose that has been recognized and authorized by federal and state governments through our tax exempt and nonprofit status.

Tax exempt nonprofit organizations are by definition operating under legal mandates to serve the public interest; disruption of their communications to constituents can only harm the organizations and their public interest causes.

Sincerely,

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